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## CERTIFICATE OF EXPRESS MAILING

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DATE OF DEPOSIT: October 11, 2002

I hereby certify that this transmittal and the documents referred to as enclosed therein are being deposited with the U.S. Postal Service in an envelope as "Express Mail Post Office to Addressee," under 37 CFR 1.10 on the date indicated above and is addressed to: Box Reissue, Commissioner for Patents, Washington, D.C. 20231, on the date below:

Dated: 10/11/02Beverly A. Lee

Beverly A. Lee

In re application of: Mark Roland Boeder

Art Unit: 1661

Appl. No.: 09/957,489

PTO Confirmation No.: 3143

Filed: September 19, 2001

Examiner: Kizilkaya, Michelle, R.

For: Chrysanthemum Plant Named 'Tutan Time'

Atty. Docket: 10451.0029.NPUS00

## FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicant's Information Disclosure Statement filed on December 18, 2001. Copies of the documents listed on the accompanying Form PTO-1449 are enclosed.

Enclosed is a citation from the UPOV-ROM GTITM Computer Database, GTI Jouve Retrieval Software, for an application in the Netherlands for plant breeder's protection rights for the variety that is the subject of this United States plant patent application. The Netherlands application was filed more than one year before the filing date of the U.S.

application under Breeder's Reference No. 20778-0. The Netherlands application was also published more than one year before the filing date of the U.S. application under Breeder's Reference No. 20778-0 and without a common variety denomination.

A copy of the publication of the Netherlands application in Publikatieblad, the Official Gazette of the Raad voor het Kwekersrecht (the Netherlands Board for Plant Breeders' Rights), for this variety under Breeder's Reference No. 20778-0 is enclosed. The publication of the Official Gazette is partially in Dutch and a complete English translation is not available.

Also enclosed is the corresponding website citation for the Netherlands application for this variety from the on-line Raad voor het Kwekersrecht Computer Database at [www.kwekersrecht.nl/zoek.htm](http://www.kwekersrecht.nl/zoek.htm) (updated September 17, 2002) listed as Breeder's Reference No. 20778-0. As reflected in the website citation, the common variety name 'Tutan Time' has been submitted as a proposed denomination in the Netherlands application within the last six months. The website citation is in Dutch and an informal partial English translation is enclosed. Applicant's attorney has been informed that the website information is posted to the on-line Netherlands database on or about the date of publication in the Official Gazette Publikatieblad.

Further enclosed is a partial copy of a 2000 Ficor catalog in which the variety that is the subject of this patent application was offered for sale outside the United States under the cultivar name 'Tutan Time.' Applicant believes that the 2000 catalog was first publicly distributed outside the United States beginning November 9, 1999.

Applicant is not aware of any public distribution, sale or offer to sell of this variety in the United States more than one year prior to the filing date of the U.S. patent application.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided here, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

It is believed that this disclosure complies with the requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98, and the Manual of Patent Examining Procedures § 609. If for some reason the Examiner considers otherwise, or requires additional information, Applicant requests that the Examiner call the undersigned so that any deficiencies can be remedied.

It is also respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-1263 referencing docket number 10451.0029.NPUS00.

Dated: October 11, 2002

Respectfully submitted,



Mark K. Dickson  
Attorney Reg. No. 32,889  
HOWREY SIMON ARNOLD & WHITE, LLP  
301 Ravenswood Avenue  
Menlo Park, CA 94025  
(650) 463-8234